

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS MIGUEL MELENDEZ,

Defendant.

Case No. 1:24-CR-0273 KES BAM

ORDER FOR PSYCHIATRIC OR
PSYCHOLOGICAL EXAMINATION
PURSUANT TO 18 U.S.C. §4241(b) AND
EXCLUSION OF TIME

On March 12, 2025, Defendant Luis Miguel Melendez appeared with counsel for a status conference. At the conference, defense counsel expressed her concern about defendant's mental condition and orally moved for a psychological evaluation. In the oral motion, counsel represented her concern that her client lacks the present ability to consult with counsel in a meaningful way and that Defendant is unable to assist properly in his defense. The Court questioned Mr. Melendez who had a vacant expression and was confused and disoriented as to why he was present in court and who was his attorney.

The Court finds that once the Court is presented with representations which form reasonable cause to believe the defendant lacks the mental fitness to proceed, whether by motion, by facts coming before it, or through its own observations, the Court is mandated to order a psychiatric or psychological exam. *See generally Chavez v. United States*, 656 F.2d 512, 516-18 (9th Cir.1981). Based upon counsel's oral motion and the conduct at the hearing, the Court has reasonable cause to believe Defendant lacks the mental fitness to proceed and assist properly in his defense.

THEREFORE, IT IS ORDERED that pursuant to 18 U.S.C. §4241(b), a psychiatric or psychological examination of Defendant Luis Miguel Melendez be conducted and that a psychiatric or psychological report be filed with the Court pursuant to the provisions of 18 U.S.C. §4247(b) and (c). It is further ORDERED that defendant is committed to the custody of the Attorney General, and the United States Marshal's Service is directed to transfer Defendant to a suitable facility for examination. The Court recommends a suitable facility within reasonable proximity to this District.

The Court orders this entire period of time be deemed excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A).

IT IS SO ORDERED.

Dated: March 12, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE